

REMARKS/ARGUMENTS

New Claims 26 – 41 have been added. Support for these new claims can be found throughout the application, and specifically on pages 6 and 7 of the application. These claims were added to further claim what the applicants regard as their invention. No new 5 matter has been added.

Claim Rejections – 35 USC 102 and 35 USC 103

In sections 1 and 2 of the Office Action, the Examiner rejected Claims 1-5, 8, 11-17, 20, and 23-25 as being anticipated by Lau et al. US Patent Publication No.

10 2002/0168986.

In sections 3 and 4 of the Office Action, the Examiner rejected Claims 6, 7, 18 and 19 under 35 USC 103(a) as being unpatentable over Lau et al. in view of Dahlen (U.S. Patent No. 5,870,454).

15 The Lau Application as Prior Art

“A rejection based on 35 U.S.C. 102(e) can be overcome by: ... (D) Filing an affidavit or declaration under 37 CFR 1.131 showing prior invention, if the reference is not US Patent (or US patent application publication) claiming the same patentable invention.” MPEP §706.02(b)

20 The Applicants respectfully note that the claims of the Lau Patent Application are directed toward retrieving information based upon destination type, while the present application’s claims are directed toward retrieving information based upon location.

25 The Applicants respectfully note that the effective date of U.S. Patent Application Publication No. 2002/0168986 to Lau et al. is April 26, 2000. Applicants have submitted, herewith, three Declarations under 35 CFR 1.131 by the Applicants. The Declarations, along with their accompanying appendices demonstrate that this invention was conceived at least as early as May 26, 1999, and that diligent steps were taken inside the United States of America until the present application was filed on October 17, 2000. In addition, an Invention Disclosure date-stamped and witnessed on August 5, 1999, is 30 presented.

The Declarations under 37 CFR 1.131, along with the other evidence submitted herewith are sufficient to "swear behind" the effective date of Lau et al. The Applicants wish to note that Lau et al. is a common thread among the rejections under 35 U.S.C. 102(e) of Claims 1-5, 8, 11-17, 20 and 23-25 in addition to the rejections under 35 U.S.C. 5 103(a) of Claims 6, 7, 18 and 19. Thus, by antedating Lau et al., the Applicants have satisfied the Examiner's concerns regarding all pending art-based rejections under both 102(e) and 103(a). Should the Examiner need any further information or evidence, the Applicants encourage the Examiner to contact the Applicants at the Examiner's earliest convenience.

10 In view of the effective date established by the Declarations under 37 CFR 1.131 that is included herewith, the remaining effective prior art of record, taken individually, or in the aggregate, does not appear to contemplate all the limitations of any claim of the present invention. The Applicants also note that the Declarations under 37 CFR 1.131 that is included herewith, also antedates US Patent Publication No. 2003/0068974 to
15 Kanamaiuru et al., US Patent No. 6,487,533 to Hyde Thomson et al., and US Patent Publication No. 2002/0128021 to Kikinis et al.

For at least the foregoing reasons the Applicants respectfully request that the existing claim rejections under 35 U.S.C. §102(e) and 103(a) be withdrawn.

20 In view of the foregoing, the Applicants are unaware where in the cited prior art the elements of Claims 1-41 are taught, disclosed or suggested.

Concluding Remarks:

In view of the foregoing, it is respectfully submitted that all now pending claims 1-41 are in allowable condition. Reconsideration is respectfully requested. Accordingly, 5 early allowance and issuance of this application is respectfully requested. Should the Examiner have any questions regarding this response or need any additional information, please contact the undersigned at (310) 589-8158.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 50-2691. In particular, if this 10 response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 50-2691.

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Respectfully submitted,

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10/16/2003
Date


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